

## **REMARKS**

In the outstanding Office Action, the Examiner rejected claims 1-9. By this amendment, Applicant amends claims 1, 2, 4, and 6-9, and cancels claim 3 without prejudice or disclaimer. With entry of this amendment, claims 1, 2, and 4-9 are pending and under consideration.

### **Rejection under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(b) as allegedly anticipated by United States Patent No. 6,387,473 to Sismondi et al. ("Sismondi"). Office Action at page 2. Applicant respectfully traverses the rejection.

In particular, the Examiner stated:

[t]he reference discloses the use of mixtures of surfactants from a group including surfactants with HLB of over 10 (Triton™ X-100) and with HLB of 10 or less (Merpol™ LFH).

Office Action at page 2. Indeed, Sismondi lists a number of nonionic surfactants and at the end of this list states "as well as mixtures thereof." See, e.g., col. 3, lines 47-65. However, as is discussed in more detail below, every example taught in Sismondi limits its disclosure to only one nonionic surfactant per layer, and nothing in Sismondi teaches the recording sheet recited in claim 1.

Initially, Applicant has amended claim 1 to recite:

[a]n ink-jet recording sheet comprising a support having thereon a porous ink receptive layer containing a dispersion of an oil-soluble compound, wherein the dispersion is prepared by dispersing the oil-soluble compound with at least two nonionic surface active agents differing in HLB value, and wherein one of the at least two nonionic surface active agents has a HLB value of not more than 10, and another of the at least

two nonionic surface active agents has a HLB value of more than 10.

In contrast, Sismondi teaches an ink jet receiving sheet comprising at least two ink receiving layers wherein each layer contains only one nonionic surfactant. For example, Sismondi discloses:

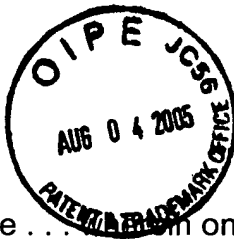
"the ink receiving layer farthest from the support comprises a first non-ionic surfactant . . . and the other ink receiving layer(s) comprise(s) a second non-ionic surfactant . . ."

Column 3, lines 22- 26. See also, claim 1.

Indeed, all of the examples discussed in Sismondi contain only one nonionic surfactant on a particular layer; none of the examples discussed in Sismondi teach or suggest two or more nonionic surface active agents having differing HLB values on one layer. See, e.g., col. 10, line 60 to col. 13, line 15. For example, Table 1 (see, e.g., col. 12) teaches three layers, each with only one nonionic surfactant. In particular, Examples 4 and 5 in Table 1 contain a first layer including Triton™ X 100, a second layer including Triton™ X 100, and a third layer including Zonyl™ FSN 100.

Furthermore, Sismondi does not disclose one layer including at least two different non-ionic surfactants whose HLB values are not more than 10 and more than 10, respectively. Only hindsight, based on the Applicant's claims, allows the Examiner to pick two such compounds from Sismondi's laundry list.

Although Sismondi discloses that one ink receiving layer contains one kind of nonionic surfactant and another different ink receiving layer comprises another kind of nonionic surfactant, Sismondi fails to disclose one porous ink receptive layer comprising "a dispersion . . . prepared . . . with at least two nonionic surface active agents differing



in HLB value . . . from one of the at least two nonionic surface active agents has a HLB value of not more than 10, and another of the at least two nonionic surface active agents has a HLB value of more than 10 . . . ,” as recited by claim 1.

Claims 2 and 4-9 directly or indirectly depend from claim 1. Therefore, Applicant respectfully asserts that the Examiner’s rejection of claims 2 and 4-9 should be withdrawn for at least the same reasons as for claim 1.

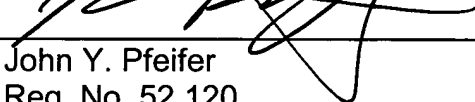
Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extension of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 4, 2005

By:   
John Y. Pfeifer  
Reg. No. 52,120  
Customer No. 22,852

CERTIFICATE OF EXPRESS MAILING	
Express Mail Label No.: EV 466107771 US	
I hereby certify that this correspondence is being deposited with the United States Postal Services “Express Mail Post Office to Addressee” service under 37 C.F.R. § 1.10, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
Date: <u>August 4, 2005</u>	Signed:  Linda Phillips